

# TWENTY-EIGHTH DAY

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TUESDAY, MARCH 4, 1997

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## PROCEEDINGS

The Senate met at 11:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend William Moody of Waco, State Chaplain for the Veterans of Foreign Wars, offered the invocation as follows:

Our most gracious heavenly Father, our list of those things we have in this nation for which we should be grateful is without end. We begin our petitions to You, O Lord, in remembering the good fortune that has come to us from Your hand.

In this body of elected representatives of the citizens of our great state rests the responsibility of making decisions that affect us all and the future of Texas. Like no one else, they may enjoy the thought that they truly make a difference.

May they tenaciously enter all their deliberations, and may they cast all their votes having first sought Your will. May we never regress into thinking that the noble goals and fulfillment of them will ever take place if You are left out of our planning.

The privilege of serving as officials in government brings to rest on the shoulders of these special men and women the cares and needs of Texans, the future of her children and the fading dreams of her elderly, keeping the promises made to veterans, and preserving the traditions that made Texas great through these officials. O Lord, make Texas a land where dreams come true.

Even as we call upon these legislators to renew their relationship with You each day, may they be reassured in knowing that many of us remember them in our prayers as well. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 236**

On motion of Senator Lindsay and by unanimous consent, Senator Galloway will be shown as Co-author of **SB 236**.

**CO-AUTHOR OF SENATE BILL 394**

On motion of Senator Ellis and by unanimous consent, Senator Gallegos will be shown as Co-author of **SB 394**.

**CO-AUTHOR OF SENATE BILL 443**

On motion of Senator Moncrief and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 443**.

**CO-AUTHOR OF SENATE BILL 585**

On motion of Senator Nelson and by unanimous consent, Senator Sibley will be shown as Co-author of **SB 585**.

**CO-AUTHOR OF SENATE BILL 728**

On motion of Senator Nelson and by unanimous consent, Senator Cain will be shown as Co-author of **SB 728**.

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**SB 360** by Armbrister

Relating to the review and continuation of certain state agencies subject to the Texas Sunset Act.

To Committee on State Affairs.

**SB 750** by Bivins

Relating to the issuance and revocation of licenses for certain nonresident insurance agents.

To Committee on Economic Development.

**SB 781** by Ellis, West, Zaffirini

Relating to the creation and operation of the Texans Work program and the establishment of the Texas employment and training account.

To Committee on Finance.

**SB 785** by Nixon

Relating to the regulation of certain staff leasing services; providing penalties.

To Committee on Economic Development.

**SB 792** by Harris

Relating to requirements for providers of substitute-care services for children.

To Committee on Health and Human Services.

**SB 793** by Harris

Relating to the purchase of substitute care services.

To Committee on Health and Human Services.

**SB 794 by Harris**

Relating to certain state agencies to use of assessment centers and developing standards and licensing procedures for assessment centers.

To Committee on Health and Human Services.

**SB 795 by Harris**

Relating to the regulation of substitute care for children and the provision of child protective services.

To Committee on Jurisprudence.

**SB 796 by Harris**

Relating to the establishment of a pilot program administered by the Office of Court Administration to improve the efficiency of court processing of family law cases.

To Committee on Jurisprudence.

**SB 797 by Harris**

Relating to the recodification of statutes relating to protective orders and family violence.

To Committee on Jurisprudence.

**SB 798 by Harris**

Relating to alternative dispute resolution in certain family related suits.

To Committee on Jurisprudence.

**SB 799 by Harris**

Relating to jury submissions in a suit affecting the parent-child relationship.

To Committee on Jurisprudence.

**SB 800 by Harris**

Relating to an appeal of a decision made by certain county civil service commissions.

To Committee on Jurisprudence.

**SB 801 by Zaffirini**

Relating to the consolidation of investigations of fraud in the provision of health and human services and other improvements in identifying and preventing fraud.

To Committee on Health and Human Services.

**SB 802 by Zaffirini**

Relating to collection of certain information from certain hospitals.

To Committee on Health and Human Services.

**SB 803 by Lucio**

Relating to one-stop permitting for solid waste management facilities.

To Committee on Natural Resources.

**SB 804 by Brown**

Relating to allowing municipalities to purchase goods for retail sale without following competitive bidding procedures.

To Committee on Intergovernmental Relations.

**SB 805 by Brown**

Relating to the regulation of the practice of plumbing.

To Committee on State Affairs.

**SB 806 by Ogden**

Relating to compulsory student fees to support intercollegiate athletics at a public institution of higher education.

To Committee on Education.

**SB 807 by Lucio, Wentworth**

Relating to the allocation of certain sales, excise, and use tax revenue to the Parks and Wildlife Department.

To Committee on Finance.

**SB 808 by Ratliff, Lucio**

Relating to limiting the liability of certain persons involved in an issuance of securities by a small business.

To Committee on Jurisprudence.

**SB 809 by Ellis, Cain, Lindsay, Moncrief**

Relating to coverage by certain health benefit plans for certain serious mental illnesses.

To Committee on Economic Development.

**SB 810 by Barrientos**

Relating to the protection of certain unmarked burials and associated human remains or funerary objects and to the creation of certain offenses concerning unmarked burials; providing criminal penalties.

To Committee on Criminal Justice.

**SB 811 by Truan**

Relating to the use of certain telecommunications facilities of institutions of higher education to assist small business.

To Committee on International Relations, Trade, and Technology.

**SB 812 by Truan**

Relating to the application of the sales and use tax to tangible personal property held for export.

To Committee on Finance.

**SB 813 by Truan**

Relating to a career and technology education improvement pilot program.

To Committee on International Relations, Trade, and Technology.

**SB 814 by Truan**

Relating to the establishment of a video teleconferencing pilot program to assist certain businesses in establishing international trade relationships.

To Committee on International Relations, Trade, and Technology.

**SB 815 by Truan**

Relating to the tuition charged to certain foreign students with financial need at certain public institutions of higher education.

To Committee on Finance.

**SB 816 by Truan**

Relating to the change of name of Corpus Christi State University to Texas A&M University—Corpus Christi and to eliminating certain obsolete provisions relating to the university.

To Committee on Education.

**SB 817 by Truan**

Relating to the payment of sales and use tax on tangible personal property exported from this state.

To Committee on Finance.

**SB 818 by Zaffirini**

Relating to certain courts in Webb County.

To Committee on Finance.

**SB 819 by Carona**

Relating to the design, manufacture, and sale of certain commemorative items relating to the state.

To Committee on Administration.

**SB 820 by West, Truan**

Relating to the establishment and operation of an electronic procurement marketplace, including an electronic commerce network.

To Committee on International Relations, Trade, and Technology.

**SB 821 by Bivins**

Relating to offenses involving the preparation, sale, or distribution of certain academic materials for profit.

To Committee on Criminal Justice.

**SB 822 by Cain**

Relating to the creation of a judicial district composed of Smith County.

To Committee on Finance.

**SB 823 by Cain**

Relating to payroll deductions in certain municipalities.

To Committee on Intergovernmental Relations.

**SB 824 by Cain**

Relating to the statutory county courts of Smith County.

To Committee on Jurisprudence.

**SB 825 by Ellis**

Relating to educational requirements for court coordinators.

To Committee on Jurisprudence.

**SB 826 by Ellis**

Relating to the trial court emergency account.

To Committee on Finance.

**SB 827 by Ellis, Sibley, Armbrister, Carona, Madla, Shapleigh, West, Zaffirini, Nixon, Brown**

Relating to the review of certain state agency requirements imposed on individuals and businesses.

To Committee on State Affairs.

**SB 828** by Ellis, Ratliff, West, Zaffirini, Barrientos, Gallegos, Armbrister, Madla, Luna, Lucio, Moncrief  
Relating to the policies of state agencies regarding work and family issues.  
To Committee on State Affairs.

**SB 829** by Lindsay  
Relating to the authority of certain counties to approve landfill sites.  
To Committee on Natural Resources.

**SB 830** by Lindsay  
Relating to prohibiting the issuance of a permit for a municipal solid waste landfill within one mile of a residential area, school, or airport.  
To Committee on Natural Resources.

**SB 831** by Madla  
Relating to tuberculosis coverage for public safety employees.  
To Committee on Health and Human Services.

**SB 832** by Madla  
Relating to authority of certain institutions of higher education to establish and maintain podiatry schools.  
To Committee on Finance.

**SB 833** by Armbrister  
Relating to the powers and duties of the General Services Commission concerning state and federal surplus and salvage property and to certain commission personnel.  
To Committee on State Affairs.

**SB 834** by Armbrister, Truan  
Relating to the authority of a county to operate a water or sewer utility in unincorporated areas of a county, including the authority to issue bonds and to acquire property through eminent domain.  
To Committee on Intergovernmental Relations.

**SB 835** by Nixon  
Relating to public notice of intent to apply for certain loans or grants from a state agency.  
To Committee on State Affairs.

**SB 836** by Duncan  
Relating to medical examinations required for an employee who may be entitled to workers' compensation benefits.  
To Committee on Economic Development.

**SB 837** by Duncan  
Relating to discrimination against an employee based on a claim for workers' compensation benefits and to remedies in an action alleging that discrimination.  
To Committee on Economic Development.

**SB 838** by Duncan  
Relating to authorizing the adoption of rules by the supreme court for the coordination or consolidation of pretrial proceedings in certain litigation.  
To Committee on Jurisprudence.

**SB 839** by Bivins

Relating to allowing a governmental body to hold a meeting by videoconference call.

To Committee on State Affairs.

**SB 840** by Ratliff, Cain

Relating to The University of Texas at Tyler.

To Committee on Finance.

**SB 842** by Truan

Relating to eligibility standards for public housing and determination of alternatives for increasing affordable housing in the border region.

To Committee on International Relations, Trade, and Technology.

**SB 843** by Truan, Carona

Relating to requiring the Texas Natural Resource Conservation Commission to study a tracking system for hazardous waste required to be returned to the United States under the La Paz Agreement.

To Committee on International Relations, Trade, and Technology.

**SB 844** by Truan, Lucio, West

Relating to the allocation and use of community development block grants in certain economically distressed areas.

To Committee on Finance.

**SJR 27** by Barrientos, Armbrister, Ellis, Sibley, Zaffirini

Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas tomorrow fund.

To Committee on Finance.

**SJR 28** by Shapiro

Proposing a constitutional amendment requiring the legislature to finance the basic elements of public education.

To Committee on Tax Reform and Public School Finance.

**SJR 29** by Shapiro

Proposing a constitutional amendment requiring the legislature to prescribe an educational program for public school students that provides for a general diffusion of knowledge.

To Committee on Tax Reform and Public School Finance.

**SCR 32** by Haywood

Extending the term of the Red River Boundary Commission to June 30, 2000.

To Committee on State Affairs.

**SCR 34** by Moncrief

Memorializing Congress to improve patient access to quality health care by facilitating the rapid review and approval of new drugs, biological products, and medical devices.

To Committee on Health and Human Services.

**SCR 35** by Truan, Carona

Directing the Texas Natural Resource Conservation Commission et al. to

work with Congress and federal agencies to develop a comprehensive management plan for the Rio Grande Basin.

To Committee on International Relations, Trade, and Technology.

**SCR 36** by Zaffirini, Carona

Endorsing the Texas Department on Aging's initiative to prepare for an aging society.

To Committee on Health and Human Services.

#### **REPORT OF COMMITTEE ON NOMINATIONS**

Senator Madla submitted the following report from the Committee on Nominations:

##### **TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE:**

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the **GENERAL SERVICES COMMISSION**: Barbara N. Rusling, McLennan County; Alfred Eugene Shull, Smith County.

To be Members of the **COMMISSION ON JAIL STANDARDS**: Sheriff Terry G. Box, Collin County; Marc Anthony Cisneros, Jim Wells County; Sheriff Carmella Thea Bonner Jones, Armstrong County.

To be Members of the **COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION**: Claudia Ann Bretz, Ector County; Sheriff Frances A. Kaiser, Kerr County; Corporal Onzelo Markum III, Galveston County.

To be Members of the **BOARD OF PARDONS AND PAROLES**: Lynn F. Brown, Dallas County; Juanita Maria Gonzalez, Williamson County; Alvin A. Shaw, Travis County; Charles A. Shipman, Wichita County; Rissie Louise Owens, Walker County; Sandie Walker, Brazos County.

To be a Member of the **PUBLIC SAFETY COMMISSION**: Robert Braxton Holt, Midland County.

To be Members of the **TEXAS AGRICULTURAL FINANCE AUTHORITY BOARD OF DIRECTORS**: Gina Leigh Bulls Davis, Hansford County; Dickie G. Gerles, Uvalde County; Judge Deborah Herber, Atascosa County; Mark W. Jones, Menard County; Charles Eugene "Gene" Legg, Moore County; Danny Eugene Peggram, Smith County; Jane Anne Stinnett, Lubbock County.

To be Members of the **AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADVISORY BOARD**: Keldon "Corky" Bosworth, Midland County; Guy F. Ellyson, Harris County; Katherine A. Everett, Denton County; Cassie L. Hughes, Callahan County; David D. Munoz, Comal County; Lee Jaye Rosenberg, Bexar County.



To be Members of the ADVISORY BOARD OF ATHLETIC TRAINERS: John Wesley Harvey, Harris County; Michael D. Saly, Montgomery County; Natalie Denise Steadman, Lubbock County; Michael K. "Spanky" Stephens, Travis County.

To be Members of the CRIME STOPPERS ADVISORY COUNCIL: Lieutenant Darrell W. Bush, Jefferson County; Thomas E. Dunn, Angelina County; Susan R. Johnson, Ector County; Carolyn Sue Head Leyendecker, Webb County; Jane H. Romine, Tarrant County.

To be Members of the TEXAS FUNERAL SERVICE COMMISSION: Evelyn S. Collins, Bowie County; Kenneth Jerry Hughes, Nacogdoches County; Patricia Gail Keegan, Rockwall County; Charles Richard "Dick" McNeil, Tarrant County; Leo T. Metcalf III, Montgomery County.

To be Members of the TEXAS STATE BOARD OF PLUMBING EXAMINERS: Jose L. Cardenas, Tarrant County; Greg David Contreras, Dallas County; Nelda Martinez, Nueces County; John DeWitt Morrow, Jr., Fort Bend County; Fernando Rico, Jr., P.E., El Paso County; Joe Rocha, Jr., Blanco County.

To be Members of the POLYGRAPH EXAMINERS BOARD: Janet L. "Jan" Blacklock, Lubbock County; Horacio "Horace" Ortiz, Nueces County; Brad Alan Rogers, Bell County.

To be Members of the TEXAS STRUCTURAL PEST CONTROL BOARD: Jo-Christy Texas Brown, Travis County; Gary L. Gillen, Fort Bend County; Les Hoyt, Randall County.

#### **NOTICE OF CONSIDERATION OF NOMINATIONS**

Senator Madla gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

#### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **SCR 18, HCR 47**

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and introduced to the Senate a group of ninth-, tenth-, eleventh-, and twelfth-grade students and their teacher Cynthia Haynes Ramirez from Nixon High School of Laredo.

The Senate welcomed its guests.

#### **GUESTS PRESENTED**

Senator Lindsay was recognized and introduced to the Senate a group of students and their teacher from Memorial High School of Houston.

The Senate welcomed its guests.

**SENATE CONCURRENT RESOLUTION 37**

Senator Bivins offered the following resolution:

WHEREAS, On March 4, 1997, the Texas Legislature will join with the residents of the Texas Panhandle in paying tribute to 26 of Texas' finest counties in recognition of their outstanding cultural, economic, and historical contributions to the state; and

WHEREAS, The region contributes greatly to Texas' economic prosperity through both agriculture and oil and natural gas production; wheat is the major crop grown in the northern counties, while cotton is the crop of choice in the south, and feedlot operations, meat packing, leather tanning, and fabric milling are the other key industries in the area; oil and gas reserves stretch 120 miles from Moore County to Wheeler County, accentuating the importance of natural resources to the area; and

WHEREAS, The Panhandle is also home to several renowned institutions of higher education, including West Texas A&M University, Clarendon College, Amarillo College, and Frank Phillips College, and each has done an outstanding job in preparing future leaders to face the many challenges that lie ahead; and

WHEREAS, Residents and visitors alike have come to enjoy the wide variety of recreational and cultural resources that the area has to offer; outdoors enthusiasts can partake in a variety of activities at Palo Duro Canyon State Park, and they can cap off their visit with a viewing of the internationally acclaimed musical drama "TEXAS" performed under the stars in a natural amphitheater; and

WHEREAS, History buffs can learn more about the region's past at the Panhandle-Plains Historical Museum, one of the largest facilities of its kind in the state, while science enthusiasts can spend many fascinating hours at the Krister Aviation and Space Museum; in addition, West Texas A&M University offers an array of interesting events throughout the year; and

WHEREAS, Home to more than 400,000 individuals, the Panhandle boasts record high employment rates and is one of the most desirable regions of our state in which to live, work, and rear a family; despite its impressive growth rate, the area has retained its unique character and charm, and it gives the members of the legislature great pleasure to salute the region and its people on this auspicious occasion; now, therefore, be it

RESOLVED, That the 75th Legislature of the State of Texas hereby designate March 4, 1997, as Panhandle Day at the Capitol and commend its citizens for their many fine contributions; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the residents of the Panhandle as an expression of high regard by the Texas House of Representatives and Senate.

BIVINS  
DUNCAN

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bivins and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Bivins, joined by Senator Duncan, was recognized and introduced to the Senate a delegation of citizens from the Texas Panhandle.

The Senate welcomed its guests.

#### **CAPITOL PHYSICIAN**

The "Doctor for the Day," Dr. Ronald G. Munson of Mathis, was introduced to the Senate by Senator Truan.

The Senate expressed appreciation and gratitude to Dr. Munson for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### **SENATE RESOLUTION 128**

Senator Bivins offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing Max Ray Sherman, who recently announced his retirement, effective August 31, 1997, after 14 years of outstanding service as the dean of the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin; and

WHEREAS, Max Sherman grew up in the Panhandle in Phillips, Texas, and graduated from The University of Texas at Austin School of Law; he served in the Texas State Senate representing District 31 from 1971 to 1977 and was a highly respected legislator; and

WHEREAS, Mr. Sherman has served as the dean of the Lyndon B. Johnson School of Public Affairs, The University of Texas at Austin, since 1983, and it is largely due to his outstanding leadership that the Lyndon B. Johnson School of Public Affairs has earned an international reputation; and

WHEREAS, A man of uncommon talent, integrity, and tenacity, Max Sherman has played a major role in making the LBJ School of Public Affairs one of the premier institutions in the country; and

WHEREAS, He holds the J. J. "Jake" Pickle Regents Chair in Public Affairs and is a frequent lecturer on ethics, leadership, and public service; he is well known as a strong proponent of governmental effectiveness and serves on the National Commission on State and Local Public Service; and

WHEREAS, Mr. Sherman also serves on the Ford Foundation's National Committee on Innovations in State and Local Government and the National Academy of Public Administration; he has served on the Southern Regional Education Board and the Texas Adult Probation Commission and was formerly chairman of the Governor's Energy Advisory Council; and

WHEREAS, He is a distinguished and exemplary gentleman and a prominent civic leader in the City of Austin; as a tribute to his extensive influence on the community and his many accomplishments, Mr. Sherman was recently named the 1996 Austinite of the Year by the Greater Austin Chamber of Commerce; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend Max Sherman on his countless contributions to the Lyndon B. Johnson School of Public Affairs, the City of Austin, and the State of Texas and extend to him best wishes for the retirement years ahead; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

BIVINS  
BARRIENTOS

The resolution was read.

On motion of Senator Ellis and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bivins and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

#### SENATE RESOLUTION 237

Senator Nixon offered the following resolution:

WHEREAS, March 4, 1997, has been designated Jasper Day at the State Capitol, and the Texas Senate is pleased to join the citizens of Jasper in honoring their city's important contributions to the culture and economy of our state; and

WHEREAS, Nicknamed "The Jewel of the Forest," Jasper is the county seat of Jasper County, one of the original 23 counties created by the Republic of Texas; the city was named in honor of Sergeant William Jasper, a hero of the American Revolutionary War; and

WHEREAS, The slogans adopted for the community, "Something for Everyone," "All Roads Lead to Jasper," and the "Lure of East Texas," depict the pride of its residents; and

WHEREAS, Jasper truly has "Something for Everyone" with world-class fishing at Sam Rayburn Reservoir and B. A. Steinhagen Lake; year-round festivals and activities such as "Christmas on the Square," the "Azalea Trail," and "Fall Fest" attract residents of the Lone Star State to this picturesque area; and

WHEREAS, Nestled in the piney woods of East Texas, Jasper is ideally situated near the Big Thicket National Preserve and is home to Martin Dies, Jr., State Park; it was recently named one of the "Top Ten Sporting Towns in the United States" by *Outdoor Life Magazine*; and

WHEREAS, Jasper enjoys a diverse economy based on timber, oil and gas production, and agricultural products; the area has experienced rapid growth in recent years, and the citizens of Jasper pursue economic prosperity while protecting the pristine environment that makes Jasper an exceptional place to live; and

WHEREAS, Noted for their friendliness and hospitality, the residents of Jasper have worked hard to make their lovely town one of the most productive in East Texas, and they are truly deserving of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby recognize March 4, 1997, as Jasper Day at the State Capitol and extend

best wishes to its citizens for a most enjoyable and fun-filled day; and, be it further

**RESOLVED**, That a copy of this Resolution be prepared for the City of Jasper as an expression of the high regard of the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Nixon was recognized and introduced to the Senate a delegation of citizens from Jasper County.

The Senate welcomed its guests.

**(Senator Truan in Chair)**

#### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate a group of kindergarten, first-, second-, and third-grade students from The Isely School of Austin and their teachers Eva Forrester, Mary Brown, and Michelle German.

The Senate welcomed its guests.

#### **SENATE BILL 170 ON SECOND READING**

Senator West moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 170** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator West and by unanimous consent, the regular order of business was suspended for **SB 170**:

**SB 170**, Relating to the rights of a victim of a delinquent child.

**(President in Chair)**

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 170 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 170** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 170** was read third time and was passed by a viva voce vote.

#### **SENATE BILL 463 ON SECOND READING**

Senator Brown moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 463** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended for **SB 463**:

**SB 463**, Relating to the designation of State Highway 6 as the Texas Korean War Veterans Memorial Highway.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 463 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 463** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 463** was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **GUESTS PRESENTED**

Senator Brown was recognized and introduced to the Senate representatives of the Lone Star Chapter of the Korean War Veterans Association: Stoney Stone, 1st Vice President; Charles Laird, Treasurer; John Jackson, Incoming President; and Jim Duncan, Retiring Chairman of the Board.

The Senate welcomed its guests.

#### **SENATE BILL 582 ON SECOND READING**

Senator Ratliff moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 582** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 3.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Bivins, Moncrief, Ogden.

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended for **SB 582**:

**SB 582**, Relating to the application of the oil production tax to new or expanded enhanced recovery projects.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTES**

Senators Bivins, Moncrief, and Ogden asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

#### **SENATE BILL 582 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 582** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 3.

Yeas: Armbrister, Barrientos, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Nelson, Nixon, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Bivins, Moncrief, Ogden.

**SB 582** was read third time and was passed by the following vote: Yeas 28, Nays 0, Present-not voting 3. (Same as previous roll call)

(Senator Ogden in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 150 ON SECOND READING**

Senator Bivins moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 150** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended for **CSSB 150**:

**CSSB 150**, Relating to providing common undergraduate admission application forms for certain institutions of higher education.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 150 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 150** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 150** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Tuesday, March 4, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 108**, Designating March 4, 1997, as Panhandle Day at the Capitol.

**HCR 38**, Memorializing Congress to support the STEP 21 program, a streamlined transportation efficiency program for the 21st century.

**HCR 101**, Honoring Dr. Gordon M. Anderson on his retirement.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 291 ON SECOND READING**

Senator Patterson moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **CSSB 291** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended for **CSSB 291**:

**CSSB 291**, Relating to the regulation of orthotists and prosthetists; providing a civil penalty.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 291** on page 9 of the committee report by striking Section 24 and replacing it with the following:

Section 24. PHARMACISTS. The board shall issue a license to a person who applies for a license and is licensed or regulated by the State Board of Pharmacy and is certified by the National Community Pharmacists Association as a certified fitter or master orthotist. The board shall assess a licensing fee of no more than 50 dollars to a person licensed under this section.

The amendment was read and was adopted by a viva voce vote.

Senator Harris offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 291** as follows:

(1) Add a new SECTION 2 (committee printing page 12, line 21) to read as follows:

SECTION 2. Section 232.002, Family Code, is amended to read as follows:

Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER. The following state agencies are licensing authorities subject to this subchapter:



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- (1) Department of Agriculture;
  - (2) Texas Commission on Alcohol and Drug Abuse;
  - (3) Texas Alcoholic Beverage Commission;
  - (4) Texas Appraiser Licensing and Certification Board;
  - (5) Texas Board of Architectural Examiners;
  - (6) State Board of Barber Examiners;
  - (7) Texas Board of Chiropractic Examiners;
  - (8) Comptroller of Public Accounts;
  - (9) Texas Cosmetology Commission;
  - (10) Court Reporters Certification Board;
  - (11) State Board of Dental Examiners, if the 74th Legislature, at its regular session, enacts legislation that becomes law authorizing a state agency to regulate the practice of dentistry;
  - (12) Texas State Board of Examiners of Dietitians;
  - (13) Texas Funeral Service Commission;
  - (14) Texas Department of Health;
  - (15) Texas Board of Professional Land Surveying;
  - (16) Texas Department of Licensing and Regulation;
  - (17) Texas State Board of Examiners of Marriage and Family Therapists;
  - (18) Texas State Board of Medical Examiners;
  - (19) Midwifery Board;
  - (20) Texas Natural Resource Conservation Commission;
  - (21) Board of Nurse Examiners;
  - (22) Texas Board of Nursing Facility Administrators;
  - (23) Texas Board of Occupational Therapy Examiners;
  - (24) Texas Optometry Board;
  - (25) Parks and Wildlife Department;
  - (26) Texas State Board of Examiners of Perfusionists;
  - (27) Texas State Board of Pharmacy;
  - (28) Texas Board of Physical Therapy Examiners;
  - (29) Texas State Board of Plumbing Examiners;
  - (30) Texas State Board of Podiatry Examiners;
  - (31) Polygraph Examiners Board;
  - (32) Texas Board of Private Investigators and Private Security Agencies;
  - (33) Texas State Board of Examiners of Professional Counselors;
  - (34) State Board of Registration for Professional Engineers;
  - (35) Department of Protective and Regulatory Services;
  - (36) Texas State Board of Examiners of Psychologists;
  - (37) Texas State Board of Public Accountancy;
  - (38) Department of Public Safety of the State of Texas;
  - (39) Public Utility Commission of Texas;
  - (40) Railroad Commission of Texas;
  - (41) Texas Real Estate Commission;
  - (42) State Bar of Texas;
  - (43) Texas State Board of Social Worker Examiners;
  - (44) State Board of Examiners for Speech-Language Pathology and Audiology;
  - (45) Texas Structural Pest Control Board;

- (46) Board of Tax Professional Examiners;
  - (47) Secretary of State;
  - (48) Supreme Court of Texas;
  - (49) Texas Transportation Commission;
  - (50) State Board of Veterinary Medical Examiners;
  - (51) Board of Vocational Nurse Examiners;
  - (52) Texas Ethics Commission;
  - (53) Advisory Board of Athletic Trainers;
  - (54) State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;
  - (55) Texas Board of Licensure for Professional Medical Physicists; [and]
  - (56) Texas Department of Insurance; and
  - (57) Texas Board of Orthotics and Prosthetics.
- (2) Renumber SECTIONS 2, 3, and 4 accordingly.

The amendment was read and was adopted by a viva voce vote.

**CSSB 291** as amended was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 291 ON THIRD READING**

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 291** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 291** was read third time and was passed by a viva voce vote.

#### **SENATE BILL 420 ON SECOND READING**

Senator Cain moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 420** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended for **SB 420**.

**SB 420**, Relating to the authority of certain counties to impose a county hotel occupancy tax.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **RECORD OF VOTE**

Senator Ogden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**SENATE BILL 420 ON THIRD READING**

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 420** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

**SB 420** was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**SENATE BILL 302 ON SECOND READING**

Senator Brown moved that Section 5 of Article III of the State Constitution and Senate Rule 7.13 be suspended and that **SB 302** be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 31, Nays 0.

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended for **SB 302**:

**SB 302**, Relating to the prosecution of certain commercial bailees for the offense of misapplication of fiduciary property.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 302 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 302** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 302** was read third time and was passed by a viva voce vote.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Ratliff and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider **SB 886** today.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**SR 270** - by Haywood: Welcoming a delegation from the Texas Midwest Community Network to the Capitol.

**SR 272** - by Cain: Congratulating the Crandall Volunteer Fire Department.

**SR 273** - by Cain: Congratulating the First United Methodist Church of Trenton, Texas.

**SR 274** - by Cain: Congratulating Mary Eleanor and Max Herbert Ludwig of Ennis.

**SR 275** - by Cain: Congratulating Dorothy B. and A. M. McAdams.

**SR 276** - by Cain: Congratulating Martha Lee and Robert Dobbs of Palmer.

**SR 277** - by Cain: Congratulating Tip and Pat Riley of Ferris.

**SR 278** - by Carona: Congratulating Jake Moran of Lake Highlands.

**SR 279** - by Madla: Congratulating Jane Burleson of Rocksprings.

**SR 280** - by Madla: Congratulating Alfonzo Lopez of Eagle Pass.

**SR 282** - by Whitmire: Congratulating Loren Edward Daniel of Baytown.

#### **MISCELLANEOUS RESOLUTION**

**HCR 108** - (Bivins): Designating March 4, 1997, as Panhandle Day at the Capitol.

#### **ADJOURNMENT**

On motion of Senator Truan, the Senate at 12:38 p.m. adjourned until 11:30 a.m. tomorrow.

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#### **APPENDIX**

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#### **COMMITTEE REPORTS**

The following committee reports were received by the Senate:

March 4, 1997

**ECONOMIC DEVELOPMENT — CSSB 215, CSSB 275**

**EDUCATION — CSSB 136**

**JURISPRUDENCE — SB 426, SB 435, SB 497, SB 504, SB 551, SB 607, SB 611, SB 670, SJR 19**

**EDUCATION — CSSB 410**

**FINANCE — CSSB 412, CSSB 584**